

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Tammy L. Brady,)	C/A No.: 1:13-2835-RBH-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Carolyn W. Colvin, Acting)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	


Defendant, Carolyn W. Colvin, Acting Commissioner of Social Security (“Commissioner”), by her attorneys, William N. Nettles, United States Attorney for the District of South Carolina, and Barbara M. Bowens, Assistant United States Attorney for said district, has moved this court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for further administrative proceedings. [Entry #16]. The motion represents that Plaintiff’s counsel, W. Grady Jordan, consents to the motion. *Id.*

By order of the court, this case is remanded to the Appeals Council. The Appeals Council will direct the Administrative Law Judge (“ALJ”) to update the record medical evidence and to conduct a new hearing with medical expert testimony as to the nature and severity of Plaintiff’s physical impairments. The ALJ will be directed to determine whether any of Plaintiff’s impairments, alone or in combination, meet or medically equal the requirements of any Listing, and, if not, the extent of any work-related functional limitations. Based on the updated record, the ALJ will be further instructed to issue a

new decision, which conclusively determines at step three whether any of Plaintiff's impairments meet or medically equal a Listing; identifies acceptable medical opinion evidence in support of any residual functional capacity findings; and (if issued by the same ALJ who reached the decision subject to review in this case) reconciles the on-the-record offer of a February 2011 disability onset date with any contrary findings reached on remand.

Pursuant to the power of this court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request for remand of this action for further proceedings, this court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further administrative proceedings as set out above. *See Shalala v. Schaefer*, 509 U.S. 292 (1993). The Clerk of Court is directed to enter a separate judgment pursuant to the Fed. R. Civ. P. 58.

IT IS SO ORDERED.



May 8, 2014
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge